

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1237-AIR-E TCEQ ID: RN100542927 CASE NO.: 34341**  
**RESPONDENT NAME: NRG Texas LP**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>

**SITE WHERE VIOLATION(S) OCCURRED:** Limestone Electric Generating Station, approximately nine miles north of Jewett on Farm-to-Market Road 39, Limestone County

**TYPE OF OPERATION:** Electric generating power plant

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 27, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Mr. Samuel Short, Enforcement Division, Enforcement Team 3, (512) 239-5363, MC 149; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  
**Respondent:** Mr. William Odom, Lead Environmental Specialist, NRG Texas LP, Rural Route 1, Box 85, Jewett, Texas 75846  
 Mr. Ben C. Carmine, Director, Environmental Operations, NRG Texas Power LLC, 1301 McKinney, Suite 2300, Houston, Texas 77010  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review  <b>Date(s) of Complaints Relating to this Case:</b> None  <b>Date of Investigation Relating to this Case:</b> June 8, 2007  <b>Date of NOV/NOE Relating to this Case:</b> July 13, 2007 (NOE)  <b>Background Facts:</b> This was a routine records review investigation. One violation was documented.  <b>AIR</b>  Failure to submit the 2005 emissions inventory in a timely manner. Specifically, the 2005 emissions inventory was due by March 31, 2006 and was not submitted until November 27, 2006 [30 TEX. ADMIN. CODE § 101.10(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	<b>Total Assessed:</b> \$2,975  <b>Total Deferred:</b> \$595 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay  <b>SEP Conditional Offset:</b> \$0  <b>Total Paid to General Revenue:</b> \$2,380  <b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <b>Applicable Penalty Policy:</b> September 2002	<b>Corrective Actions Taken:</b>  The Executive Director recognizes that NRG submitted the emissions inventory on November 27, 2006.

Additional ID No(s): LI0027L



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

<b>DATES</b>	<b>Assigned</b>	16-Jul-2007	<b>Screening</b>	30-Jul-2007	<b>EPA Due</b>	4-Mar-2008
	<b>PCW</b>	31-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	NRG Texas LP
<b>Reg. Ent. Ref. No.</b>	RN100542927
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34341	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1237-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Samuel Short
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,500</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	44% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,100</b>
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Notes: A 44% enhancement is recommended for having four NOV's for the same or similar violations, two NOV's for non-similar violations, and one Agreed Order with denial within the last five years.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	<b>\$625</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance on November 27, 2006.

<b>Total EB Amounts</b>	\$33	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
<b>Approx. Cost of Compliance</b>	\$1,000	<b>*Capped at the Total EB \$ Amount</b>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,975</b>
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## OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

<b>Final Penalty Amount</b>	<b>\$2,975</b>
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## STATUTORY LIMIT ADJUSTMENT

<b>Final Assessed Penalty</b>	<b>\$2,975</b>
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## DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$2,380</b>
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Screening Date 30-Jul-2007

Docket No. 2007-1237-AIR-E

PCW

Respondent NRG Texas LP

Policy Revision 2 (September 2002)

Case ID No. 34341

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542927

Media [Statute] Air

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 44%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

A 44% enhancement is recommended for having four NOVs for the same or similar violations, two NOVs for non-similar violations, and one Agreed Order with denial within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 44%

<b>Screening Date</b>	30-Jul-2007	<b>Docket No.</b>	2007-1237-AIR-E	<b>PCW</b>																	
<b>Respondent</b>	NRG Texas LP	Policy Revision 2 (September 2002)																			
<b>Case ID No.</b>	34341	PCW Revision June 26, 2007																			
<b>Reg. Ent. Reference No.</b>	RN100542927																				
<b>Media [Statute]</b>	Air																				
<b>Enf. Coordinator</b>	Samuel Short																				
<b>Violation Number</b>	1																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.10(e) and Tex. Health & Safety Code § 382.085(b)																				
<b>Violation Description</b>	Failed to submit the 2005 emissions inventory in a timely manner. Specifically, the 2005 emissions inventory was due by March 31, 2006 and was not submitted until November 27, 2006.																				
<b>Base Penalty</b>				\$10,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent <input type="text" value="0%"/>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual																					
Potential																					
<b>&gt;&gt; Programmatic Matrix</b>																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>					Major	Moderate	Minor	Falsification	x			Percent <input type="text" value="25%"/>								
	Major	Moderate	Minor																		
Falsification	x																				
<b>Matrix Notes</b>	100% of the rule requirement was not met.																				
<b>Adjustment</b>				\$7,500																	
				\$2,500																	
<b>Violation Events</b>																					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>																		
		<input type="text" value="241"/>																			
mark only one with an x	daily		Violation Base Penalty <input type="text" value="\$2,500"/>																		
	monthly																				
	quarterly																				
	semiannual																				
	annual																				
	single event	x																			
One single event is recommended.																					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b>		<input type="text" value="\$33"/>	<b>Violation Final Penalty Total</b>																		
			<input type="text" value="\$2,975"/>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$2,975"/>																		

**Economic Benefit Worksheet**

Respondent NRG Texas LP  
 Case ID No. 34341  
 Reg. Ent. Reference No. RN100542927  
 Media Air  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	31-Mar-2006	27-Nov-2006	0.7	\$33	n/a	\$33
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The estimated cost to prepare and submit an emissions inventory. Date required is the date that the inventory was due and the final date is the date that it was submitted.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,000

TOTAL

\$33

## Compliance History

Customer/Respondent/Owner-Operator:	CN602755415    NRG Texas LP	Classification: AVERAGE	Rating: 1.04
Regulated Entity:	RN100542927    LIMESTONE ELECTRIC GENERATING STATION	Classification: AVERAGE	Site Rating: 0.15

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	LI0027L
	AIR OPERATING PERMITS	PERMIT	75
	WASTEWATER	PERMIT	WQ0002430000
	WASTEWATER	PERMIT	TPDES0082651
	WASTEWATER	PERMIT	TX0082651
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	33319
	AIR NEW SOURCE PERMITS	PERMIT	8576
	AIR NEW SOURCE PERMITS	PERMIT	8579
	AIR NEW SOURCE PERMITS	PERMIT	34999
	AIR NEW SOURCE PERMITS	PERMIT	34901
	AIR NEW SOURCE PERMITS	PERMIT	42002
	AIR NEW SOURCE PERMITS	PERMIT	43353
	AIR NEW SOURCE PERMITS	PERMIT	43797
	AIR NEW SOURCE PERMITS	PERMIT	46764
	AIR NEW SOURCE PERMITS	PERMIT	48815
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	LI0027L
	AIR NEW SOURCE PERMITS	AFS NUM	4828900010
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX37IM4
	AIR NEW SOURCE PERMITS	PERMIT	52233
	AIR NEW SOURCE PERMITS	PERMIT	73811
	AIR NEW SOURCE PERMITS	REGISTRATION	73908
	AIR NEW SOURCE PERMITS	REGISTRATION	74601
	AIR NEW SOURCE PERMITS	REGISTRATION	76757
	AIR NEW SOURCE PERMITS	PERMIT	50527
	AIR NEW SOURCE PERMITS	PERMIT	51712
	AIR NEW SOURCE PERMITS	PERMIT	79188
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1072
	AIR NEW SOURCE PERMITS	REGISTRATION	80272
	AIR NEW SOURCE PERMITS	REGISTRATION	80218
	WASTEWATER LICENSING	LICENSE	WQ0002430000

Location: APPROXIMATELY 9 MILES NORTH OF JEWETT TEXAS ON FM 39    Rating Date: September 01 06    Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: July 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 17, 2002 to July 17, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Samuel Short    Phone: (512) 239-5363

### Site Compliance History Components

- |  |   |
|--|---|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes   |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes   |
| 3. If Yes, who is the current owner?   | NRG Texas Power LLC<br>NRG Texas LP   |
| 4. If Yes, who was/were the prior owner(s)?  | CenterPoint Energy Houston Electric,<br>LLC.<br>Texas Genco, LP<br>Texas Genco Holdings, Inc. |
| 5. When did the change(s) in ownership occur?  | 09/01/2002<br>12/15/2004  |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/26/2007	ADMINORDER 2006-1030-IWD-E
Classification: Moderate	
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/17/2002	(5460)
2	07/24/2002	(205999)
3	08/22/2002	(9103)
4	08/22/2002	(9257)
5	08/26/2002	(206003)
6	09/10/2002	(11198)
7	09/20/2002	(12170)
8	09/20/2002	(12115)
9	09/25/2002	(206006)
10	10/23/2002	(206009)
11	11/15/2002	(16641)
12	11/15/2002	(16644)
13	11/22/2002	(206013)
14	11/26/2002	(17865)
15	11/26/2002	(17961)
16	11/26/2002	(17855)
17	12/02/2002	(17899)
18	12/17/2002	(18579)
19	12/19/2002	(206017)
20	12/20/2002	(20162)
21	01/10/2003	(20990)
22	01/23/2003	(206021)
23	02/11/2003	(24522)
24	02/11/2003	(24516)
25	02/12/2003	(24640)
26	02/27/2003	(205980)
27	03/19/2003	(28045)
28	03/25/2003	(205983)
29	04/01/2003	(29976)
30	04/24/2003	(205988)
31	05/23/2003	(205992)
32	05/30/2003	(61694)
33	05/30/2003	(61827)
34	05/30/2003	(61613)
35	05/30/2003	(61698)
36	05/30/2003	(61814)
37	05/30/2003	(61832)
38	05/30/2003	(61597)
39	05/30/2003	(61786)
40	06/03/2003	(61539)
41	06/11/2003	(112761)
42	06/19/2003	(118919)
43	06/19/2003	(118915)
44	06/25/2003	(205996)
45	07/25/2003	(206000)
46	08/15/2003	(149810)
47	08/22/2003	(315705)
48	09/03/2003	(247793)
49	09/25/2003	(315707)
50	10/03/2003	(250967)
51	10/10/2003	(251588)
52	10/23/2003	(315709)
53	11/05/2003	(254292)
54	11/18/2003	(255112)
55	11/21/2003	(315710)
56	12/09/2003	(257057)
57	12/09/2003	(257021)
58	12/09/2003	(257027)
59	12/09/2003	(257043)
60	12/09/2003	(257231)
61	12/09/2003	(257006)
62	12/09/2003	(256932)
63	12/09/2003	(257232)



64	12/19/2003	(315711)
65	01/23/2004	(315712)
66	02/20/2004	(315694)
67	02/24/2004	(263824)
68	02/24/2004	(263822)
69	02/24/2004	(263821)
70	02/24/2004	(263835)
71	02/24/2004	(263291)
72	02/24/2004	(263837)
73	03/22/2004	(266110)
74	03/22/2004	(266113)
75	03/22/2004	(266107)
76	03/25/2004	(315696)
77	04/07/2004	(268521)
78	04/23/2004	(315697)
79	05/06/2004	(271624)
80	05/06/2004	(271626)
81	05/21/2004	(315699)
82	06/03/2004	(274289)
83	06/03/2004	(274282)
84	06/17/2004	(276244)
85	06/17/2004	(276248)
86	06/23/2004	(277256)
87	06/24/2004	(315701)
88	07/14/2004	(280206)
89	07/22/2004	(315703)
90	07/27/2004	(278017)
91	08/06/2004	(286847)
92	08/06/2004	(287462)
93	08/25/2004	(360584)
94	09/01/2004	(292213)
95	09/01/2004	(291549)
96	09/01/2004	(292211)
97	09/23/2004	(360585)
98	10/07/2004	(336754)
99	10/07/2004	(336739)
100	10/22/2004	(360586)
101	10/22/2004	(337069)
102	10/22/2004	(338060)
103	11/22/2004	(360587)
104	12/13/2004	(343722)
105	12/13/2004	(343689)
106	12/14/2004	(343952)
107	12/22/2004	(360588)
108	01/07/2005	(346493)
109	01/24/2005	(347402)
110	01/25/2005	(386633)
111	02/18/2005	(350109)
112	02/23/2005	(386631)
113	02/28/2005	(371444)
114	03/02/2005	(371685)
115	03/04/2005	(372891)
116	03/08/2005	(373345)
117	03/24/2005	(386632)
118	03/25/2005	(375182)
119	04/06/2005	(376744)
120	04/06/2005	(373070)
121	04/22/2005	(424456)
122	05/10/2005	(379119)
123	05/13/2005	(380970)
124	05/24/2005	(424457)
125	05/24/2005	(424459)
126	06/27/2005	(424458)
127	07/18/2005	(400797)
128	07/18/2005	(400721)
129	07/25/2005	(401281)
130	08/25/2005	(406956)
131	09/01/2005	(405822)
132	09/16/2005	(418520)
133	09/16/2005	(406245)
134	09/22/2005	(445209)
135	09/22/2005	(445210)

136	09/22/2005	(445211)
137	09/27/2005	(432855)
138	10/05/2005	(433499)
139	10/13/2005	(434247)
140	10/14/2005	(434534)
141	10/14/2005	(434544)
142	10/20/2005	(445208)
143	11/17/2005	(437766)
144	11/23/2005	(437879)
145	12/01/2005	(439092)
146	12/06/2005	(439513)
147	12/06/2005	(435861)
148	02/02/2006	(454202)
149	02/22/2006	(456484)
150	02/22/2006	(456468)
151	03/02/2006	(457808)
152	03/22/2006	(460167)
153	03/22/2006	(460176)
154	03/28/2006	(460670)
155	04/13/2006	(461330)
156	06/02/2006	(481183)
157	06/06/2006	(481353)
158	06/09/2006	(482104)
159	06/09/2006	(482083)
160	06/29/2006	(484207)
161	07/06/2006	(484632)
162	07/10/2006	(483249)
163	08/03/2006	(489868)
164	08/11/2006	(497088)
165	09/26/2006	(514060)
166	10/11/2006	(515699)
167	11/08/2006	(518764)
168	11/08/2006	(518172)
169	11/08/2006	(518174)
170	11/09/2006	(518947)
171	01/19/2007	(536108)
172	01/23/2007	(536146)
173	01/23/2007	(537565)
174	01/26/2007	(536153)
175	02/01/2007	(538903)
176	02/02/2007	(538937)
177	02/02/2007	(538951)
178	02/05/2007	(538082)
179	02/28/2007	(541928)
180	03/06/2007	(542586)
181	03/09/2007	(543436)
182	03/28/2007	(554145)
183	04/05/2007	(555411)
184	05/14/2007	(559608)
185	05/23/2007	(559622)
186	05/29/2007	(561331)
187	05/30/2007	(561945)
188	06/14/2007	(564218)
189	06/18/2007	(564348)
190	07/13/2007	(566391)
191	07/13/2007	(563751)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	10/13/2003	(251588)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to submit a reportable emission event within the required 24 hour time period; therefore, non-exempting the event and violating provisions of the permit.			
Date:	09/01/2004	(292211)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to adhere to the 15 percent opacity limit set forth in Special Condition #5 of permit number 8576 and failure to notify the Waco Regional Office within 24 hours of discovery of a reportable opacity event from the Unit 1 Boiler.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to adhere to the 15 percent opacity limit set forth in Special Condition #5 of permit number 8576 and the facility failed to submit some of the notification			

information required by 30 TAC 101.201(a)(3).  
 Date: 02/18/2005 (350109)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(d)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT S.C. #5 of Permit 8576  
 Description: Failure to meet opacity limitation as stated in Special Condition # 5 of Permit 8576.

Date: 08/19/2005 (405822)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(d)(2)  
 Description: Failure to meet the requirements of 30 TAC 101.222(d)(2). Event was caused by operator error.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT Permit No. 8576  
 Description: Failure to meet the 15 percent opacity limit set forth in Special Condition #5 of Permit Number 8576.

Date: 01/25/2007 (536153)  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)  
 Description: Failure to report an excess opacity event within 24 hours of discovery.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Failure to adhere to the 15 percent opacity limit.  
 Date: 07/02/2007 (566391)

Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to comply with the reporting requirements of 30 TAC 122.145(2)(A).  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to comply with the terms and conditions codified in Permit No. O-00075, pursuant to 30 TAC 122.143(4).

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NRG TEXAS LP  
RN100542927**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1237-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NRG Texas LP ("NRG") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and NRG appear before the Commission and together stipulate that:

1. NRG owns and operates an electric generating power plant located approximately nine miles north of Jewett on Farm-to-Market Road 39 in Limestone County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and NRG agree that the Commission has jurisdiction to enter this Agreed Order, and that NRG is subject to the Commission's jurisdiction.
4. NRG received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by NRG of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Nine Hundred Seventy-Five Dollars (\$2,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). NRG has paid Two Thousand Three Hundred Eighty Dollars (\$2,380) of the administrative penalty and Five Hundred Ninety-Five Dollars (\$595) is deferred contingent upon



NRG's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If NRG fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require NRG to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and NRG have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that NRG submitted the emissions inventory on November 27, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that NRG has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, NRG is alleged to have failed to submit the 2005 emissions inventory in a timely manner, in violation of 30 TEX. ADMIN. CODE § 101.10(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 8, 2007. Specifically, the 2005 emissions inventory was due by March 31, 2006 and was not submitted until November 27, 2006.

## **III. DENIALS**

NRG generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that NRG pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and NRG's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments

The first part of the report is a general introduction to the project. It describes the objectives of the study and the methods used to collect and analyze the data. The introduction also provides a brief overview of the results of the study.

The second part of the report is a detailed description of the data collection process. It includes information about the sample size, the data sources, and the methods used to collect the data. This section also discusses the challenges encountered during the data collection process.

The third part of the report is a detailed description of the data analysis process. It includes information about the statistical methods used to analyze the data and the results of the analysis. This section also discusses the limitations of the analysis.

The fourth part of the report is a discussion of the results of the study. It includes a summary of the findings and a discussion of the implications of the results. This section also discusses the limitations of the study and the need for further research.

The fifth part of the report is a conclusion. It summarizes the main findings of the study and provides a final statement about the results. This section also discusses the limitations of the study and the need for further research.

The sixth part of the report is a list of references. It includes a list of all the sources used in the study, including books, articles, and websites. This section also includes a list of all the people who contributed to the study.

The seventh part of the report is an appendix. It includes a list of all the data collected during the study, including the raw data and the data that were used in the analysis. This section also includes a list of all the charts and graphs that were used in the study.

The eighth part of the report is a glossary. It includes a list of all the terms used in the study, including the technical terms and the terms that are used in the field. This section also includes a list of all the abbreviations that were used in the study.

The ninth part of the report is a list of all the people who contributed to the study. It includes a list of all the people who were involved in the data collection process, the data analysis process, and the writing of the report. This section also includes a list of all the people who provided feedback on the report.

The tenth part of the report is a list of all the organizations that supported the study. It includes a list of all the organizations that provided funding for the study, as well as a list of all the organizations that provided other forms of support. This section also includes a list of all the organizations that were consulted during the study.

The eleventh part of the report is a list of all the other documents that were used in the study. It includes a list of all the reports, articles, and books that were used in the study, as well as a list of all the other documents that were used in the study. This section also includes a list of all the other documents that were used in the study.

The twelfth part of the report is a list of all the other people who contributed to the study. It includes a list of all the people who were involved in the data collection process, the data analysis process, and the writing of the report. This section also includes a list of all the people who provided feedback on the report.

The thirteenth part of the report is a list of all the other organizations that supported the study. It includes a list of all the organizations that provided funding for the study, as well as a list of all the organizations that provided other forms of support. This section also includes a list of all the organizations that were consulted during the study.

The fourteenth part of the report is a list of all the other documents that were used in the study. It includes a list of all the reports, articles, and books that were used in the study, as well as a list of all the other documents that were used in the study. This section also includes a list of all the other documents that were used in the study.

The fifteenth part of the report is a list of all the other people who contributed to the study. It includes a list of all the people who were involved in the data collection process, the data analysis process, and the writing of the report. This section also includes a list of all the people who provided feedback on the report.

The sixteenth part of the report is a list of all the other organizations that supported the study. It includes a list of all the organizations that provided funding for the study, as well as a list of all the organizations that provided other forms of support. This section also includes a list of all the organizations that were consulted during the study.

The seventeenth part of the report is a list of all the other documents that were used in the study. It includes a list of all the reports, articles, and books that were used in the study, as well as a list of all the other documents that were used in the study. This section also includes a list of all the other documents that were used in the study.



shall be made payable to "TCEQ" and shall be sent with the notation "Re: NRG Texas LP, Docket No. 2007-1237-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

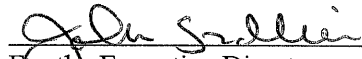
2. The provisions of this Agreed Order shall apply to and be binding upon NRG. NRG is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against NRG in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to NRG, or three days after the date on which the Commission mails notice of the Order to NRG, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

12/7/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

B. C. Carmine  
Signature

10/18/07  
Date

Ben C. Carmine  
Name (Printed or typed)  
Authorized Representative of  
NRG Texas LP

Director, Environmental Operations  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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*Journal of Management Studies*, 19(1), 67-80.

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